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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**



In re Application of:
Sai V. Allavarpu
Rajeev Angal
Toney T. Vuong

Serial No. 09/553,970

Filed: April 21, 2000

For: Thread-Safe Remote Debugger

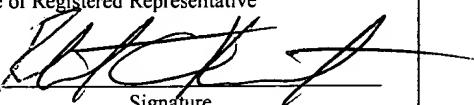
§ Group Art Unit: 2124
§
§ Examiner: Chavis, John Q.
§
§ Atty. Dkt. No.: 5181-48500
§ P4505

CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

Robert C. Kowert
Name of Registered Representative

November 7, 2005
Date


Signature

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF (37 CFR 41.37)**

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

This paper is being submitted in response to the Notice of Non-Compliant Appeal Brief of October 31, 2005. The Notice indicated that the Appeal Brief was unacceptable because the Appeal Brief fee was not timely filed within two months from the date of filing of the Notice of Appeal. Applicants note that on pages 15 and 16 of the Appeal Brief (attached for reference), the Commissioner was authorized to charge the Appeal Brief fee of \$330.00. The Appeal Brief was timely filed as evidenced by the Certificate of mailing on page 1 of the Appeal Brief (attached for reference). Thus, the Appeal Brief

was in complete compliance with the applicable Rules when filed. Any failure to charge the Appeal Brief fee was the fault of the Office, not Applicants. If the Commissioner has not already charged the fee, the Commissioner remains authorized to charge the Appeal Brief fee of \$330.00 (reflecting the fees due on 3/29/04) to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-48500/RCK.

Also enclosed herewith are the following items:

- Return Receipt Postcard
- Copies of pages 1, 15 and 16 from the Appeal Brief mailed on 3/24/04.

Respectfully submitted,



Robert C. Kowert
Reg. No. 39,255
Attorney for Appellant

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
(512) 853-8850

Date: November 7, 2005



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Robert C. Kowert
Name of Registered Representative

Robert C. Kowert
March 23, 2004
Date

Signature

APPEAL BRIEF

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

Further to the Notice of Appeal filed January 26, 2004, Appellants present this Appeal Brief. Appellants respectfully request that this appeal be considered by the Board of Patent Appeals and Interferences.

wherein the remote control service is operable to allow a remote source to switch the debug services on and off for a set of the corresponding components of the multi-threaded application by specifying a pattern to select a set of the debug objects by name.

As described above, Wygodny fails to teach a remote control service. Further, Wygodny also fails to teach allowing a *remote source* to switch the debug services on and off. As described above, Wygodny teaches that a TCI file contains “instructions to the client-side trace library regarding the trace data to be collected” (Wygodny, column 6, lines 3-5). Hence, tracing is turned on or off locally according to the instructions contained in the TCI file as pre-determined by the developer.

Further, Appellants can find no teaching in Wygodny regarding the use of character wildcards or other pattern techniques for identifying a set of the debug objects by name.

Therefore, Wygodny fails to teach that the remote control service is operable to allow a remote source to switch the debug services on and off for a set of the corresponding components of the multi-threaded application by specifying a pattern to select a set of the debug objects by name. Since the rejection of claims 12, 34 and 55 is not supported by the teachings of the cited reference, reversal of the rejection of these claims is respectfully requested.

IX. CONCLUSION

For the foregoing reasons, it is submitted that the Examiner’s rejections of claims 1 – 15, 17 – 37, 39 – 58 and 60 – 64 were erroneous, and reversal of his decision is respectfully requested.

The Commissioner is authorized to charge the appeal brief fee of \$330.00 and any other fees that may be due to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit

Account No. 501505/5181-48500/RCK. This Appeal Brief is submitted in triplicate along with a return receipt postcard.

Respectfully submitted,



Robert C. Kowert
Reg. No. 39,255
Attorney for Appellants

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

Date: March 23, 2004